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101ST CONGRESS
2d Session

SENATE

REPORT
101-256

KNIFE RIVER INDIAN VILLAGES NATIONAL HISTORIC SITE, NORTH DAKOTA

MARCH 22 (legislative day, JANUARY 23), 1990.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1230]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1230), to authorize the acquisition of additional lands containing Indian burial grounds for inclusion in the Knife River Indian Villages National Historic Site, North Dakota, and to provide additional developmental funding for the historic site visitor center, having considered the same, reports favorably thereon with amendments and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 2, line 3, strike "North Dakota." and insert in lieu thereof, "North Dakota: *Provided,* That no such lands may be acquired without the consent of the owner thereof."

2. On page 2, line 5, strike "entitled" through the end of the sentence and insert in lieu thereof, "entitled 'Proposed Boundary Knife River Indian Villages National Historic Site' numbered 468-80,039 and dated June 1988.".

3. On page 2, line 8, strike subsection (c) in its entirety.

4. On page 2, line 10, strike section 2 in its entirety and insert in lieu thereof:

SEC. 2. ADDITIONAL AUTHORIZATIONS.

Section 104(c) of Public Law 93-486 (88 Stat. 1462) is amended by striking "$600,000" and inserting in lieu thereof "$1,000,000" and by striking "$2,268,000" and inserting in lieu thereof "$4,000,000".

5. Amend the title to read as follows:

39-010

S313-5

A bill to authorize the acquisition of additional lands for inclusion in the Knife River Indian Villages National Historic Site, and for other purposes.

Purpose of the Measure

The purposes of S. 1230 are to authorize the addition of approximately 465 arcres to the Knife River Indian Villages National Historic Site, which is located on the Missouri River near Stanton, North Dakota, and to increase the authorization ceilings for land acquisition and development.

Background and Need

Knife River Indian Villages National Historic Site was established in 1974 to preserve historic and archeological remnants of the culture and lifestyle of the Plains Indians. The approximately 1,300-acre site is located in North Dakota at the confluence of the Knife and Missouri Rivers and contains the remains of four Mandan and Hidatsa Indian Villages.

Since the designation of the site in 1974, archeological research has disclosed the presence of predecessor tribes of the Mandan and Hidatsa. These prehistoric tribes represent an additional form of adaption to the Plains environment not currently represented within the historic site.

The 465 acres authorized to be added by S. 1230 would allow the protection of these architectural sites, which are either outside of the existing park boundaries or are only partially protected. The most important archeological feature within the proposed addition is the Woodland Stanton Mounds, which contains cemeteries of the predecessor tribes.

Legislative History

S. 1230 was introduced by Senator Burdick on June 22, 1989. The bill was referred to the Committee on Energy and Natural Resources on July 26, 1989. The Subcommittee on Public Lands, National Parks and Forests held a hearing on S. 1230 on September 12, 1989.

At the business meeting on March 8, 1990, the Committee on Energy and Natural Resoruces ordered S. 1230, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on March 8, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass S. 1230, if amended as described herein.

The rollcall vote on reporting the measure was 18 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers*	
Mr. Ford	

Mr. Metzenbaum*
Mr. Bradley
Mr. Bingaman*
Mr. Wirth
Mr. Conrad
Mr. Heflin
Mr. McClure
Mr. Hatfield
Mr. Domenici*
Mr. Wallop*
Mr. Murkowski
Mr. Nickles*
Mr. Burns
Mr. Garn
Mr. McConnell*

*Indicates voted by proxy.

Committee Amendments

During the consideration of S. 1230, the Committee adopted four amendments and an amendment to the title.

Amendment 1 provides that the Secretary of the Interior may only acquire lands for addition to Knife River Indian Villages National Historic Site with the consent of the owner. The Committee understands that one of the parcels proposed to be acquired—the 329 acre Krieger tract—contains two areas used for the dumping of household goods. In a report to the Committee, the Director of the National Park Service indicated that the cost of removing these items from the property will be approximately $80,000. The Committee expects that the Secretary of the Interior will take this cleanup cost into consideration when negotiating a pruchase price with the owner.

Amendment 2 simply makes a technical change, correcting the map reference.

Amendment 3 deletes subsection 1(c), which provided general appropriation authority. This provision was unnecessary as specific appropriation authority is provided in section 2.

Amendment 4 amends Public Law 93-486, the Knife River enabling legislation to increase the authorization ceiling for land acquisition for $600,000 to $1 million, and to increase the authorization ceiling for development purposes from $2.268 million to $4 million.

Section-by-Section Analysis

Section 1(a) authorizes the Secretary of the Interior to acquire approximately 465 acres for addition to the Knife River National Historic Site in North Dakota. The Secretary may only acquire the property with the consent of the owner.

Subsection (b) describes the map depicting the lands to be added to the park.

Section 2 amends section 104(c) of Public Law 93-486, the Knife River Indian Villages N.H.S. enabling legislation, to increase the authorization ceilings for development and land acquisition. The ceiling for development would be increased from $2.268 million to

$4 million, to allow for construction of a new visitor center. The land acquisition ceiling would be increased from $600,000 to $1 million.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, March 20, 1990.

Hon. J. Bennett Johnston, Jr.,
Chairman, Committee on Energy and Natural Resources
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 1230, a bill to authorize the acquisition of additional lands for inclusion in the Knife River Indian Villages National Historic Site, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources on March 8, 1990. CBO estimates that implementation of this bill would cost the federal government about $1.5 million, assuming appropriation of the necessary sums. Of this amount, we expect that $0.9 million would be spent during fiscal year 1991, $0.3 million in 1992, and the remainder in 1993 and later years.

S. 1230 would authorize the Secretary of the Interior to acquire an additional 465 acres for the Knife River Indian Villages National Historic Site. For this purpose, the bill would authorize the appropriation of $400,000. Assuming appropriation of the necessary sums, CBO estimates that the National Park Service (NPS) would spend about one-half of this amount during fiscal years 1991 and 1992 to acquire and restore one parcel of about 330 acres. The owners of two other parcels are unwilling to sell their land at this time. Thus, while it is expected that the remaining 135 acres eventually would be purchased for about $200,000, such expenditures would probably be delayed for several years.

In addition, S. 1230 would raise the existing authorization for development at Knife River to $4 million. The current authorization ceiling of $2.268 million was exceeded earlier this year when the fiscal year 1990 appropriation for Knife River raised total development appropriations for the site to $2.884 million. The new ceiling would authorize additional development funds of $1.1 million. These funds would be spent during fiscal years 1991 and 1992, assuming appropriation of the necessary sums.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

Robert D. Reischauer,
Director.

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation

of the regulatory impact which would be incurred in carrying out S. 1230. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1230, as reported.

EXECUTIVE COMMUNICATIONS

On August 7, 1989, the Committee on Energy and Natural Resources requested legislative reports from the Department of Interior and the Office of Management and Budget setting forth executive views on S. 1230. These reports had not been received at the time the report on S. 1230 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee on Public Lands, National Parks and Forests hearing follows:

STATEMENT OF JERRY ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, it is a pleasure to appear before the Committee today to discuss S. 1230, a bill which, if enacted, would authorize the acquisition of additional lands containing Indian burial grounds for inclusion in the Knife River Indian Villages National Historic Site as well as provide additional development funding authorization for the national historic site.

We would not object to enactment of S. 1230 if amended as we suggest.

Knife River Indian Villages National Historic Site, located in southcentral North Dakota at the confluence of the Missouri and Knife Rivers, was authorized by the 93rd Congress to preserve certain historic and archeological remnants of the culture and agricultural lifestyle of the Plains Indians. The primary resource at the national historic site is represented by accumulated deposits of Native American culture spanning 3,500 years. These village sites are among the best surviving examples of aboriginal inhabitation in the Missouri River Valley environment of the northern Great Plains.

Much of the archeological evidence lies buried beneath the surface, leaving relatively unimpressive features for the untrained eye. At the time the site was established in 1974 only four village sites from the Plains Indian Village Period were known to exist within the park boundary. Subsequent archeological research has shown that the historical and archeological significance is of greater scope and extent than first envisioned.

Five years of intensive archeological research has expanded the resource data base of Knife River Indian Vil-

lages NHS tenfold. The proposed expansion authorized by S. 1230 is intended, in part, to incorporate within the national historic site boundary lands which include archeological sites with evidence of predecessors of the Mandan and Hidatsa, for whom the park was originally established, whose lifestyle represents a different form of adaptation to the Plains environment. S. 1230 would also authorize the acquisition of archeological sites which are now only partially contained within the park boundary.

The proposed additions provided for in S. 1230 include three parcels located on the northern end of the existing park. The first, a 329-acre parcel of virgin prairie, contains cemeteries of the people living in this area during the Woodland Period prior to the Mandans and Hidatsas. This specialized site type is not now represented within the present park. The owner has expressed interest in selling to the Service on a "consent of the owner" basis only. This is acceptable to the National Park Service unless some unforeseen action jeopardizes the very existence of these resources. A gravel pit is located on this site, and its operation has already affected portions of the archeological site. Cattle grazing on the parcel poses a long term threat to culturally significant travois trails which are slowly being obliterated. Also included in this proposed addition is a portion of an existing site which lies partially within the current boundary of the park.

Mr. Chairman, we are aware that the 329-acre parcel which overlooks the Missouri River contains a domestic/agricultural dump site which has been used for some time by the current as well as former property owners. Initial observations indicate the potential presence of minor amounts of hazardous substances related to such items as expended auto batteries and household appliances. Prior to any effort to acquire this parcel a more detailed survey would be required in conformance with Departmental policy to determine the full extent of and potential environmental harm from these sources.

A second parcel, consisting of 95 acres and owned by the same individual as the first parcel, is proposed for acquisition for the purpose of providing assurances that this area, which overlooks the park and proposed additions, does not undergo adverse development contiguous to the park. We are not aware of any threat of adverse development at this time. This parcel, also, has never been tilled but is currently being grazed intermittently. The owner resides on this acreage and is not interested in selling at this time. He has indicated that at some future date he may, however. The prospect of its forming a crenulation along the future boundary if not acquired would be eliminated by its acquisition, thereby serving also to provide for a more manageable boundary. Its current use poses no particular threat to park management at the present time.

The third and final parcel, 41 acres known as the Running Deer parcel, contains portions of the existing Run-

ning Deer site which is severed by the current park boundary. This parcel is in part utilized for crops and in part remains brush covered. Here, again, the current owner has expressed no interest in selling this property; however, she has indicated that she may be interested at some future date. Our concern is to be in a position to acquire these resources should the owner suddenly decide to sell or should they be physically threatened by adverse uses, such as occurred on the above-cited 329-acre parcel.

No appraisals have been completed on these properties; however, we estimate that the provisions of S. 1230, if amended as we suggest below, would authorize sufficient funding for full fee acquisition of all three properties, including the purchase of existing site improvements on the 95-acre parcel, mineral interests on all parcels, and sufficient funds for reclamation of the gravel pit operation on the 329-acre parcel.

Mr. Chairman, while we do not object to the revision of the National Historic Site's boundaries to incorporate these parcels, making it possible to acquire them at some future date, we believe it is important to point out that the purchase of these lands would have an extremely low priority measured against the Administration's national land acquisition objectives. As you know, the Park Service has a sizable land acquisition backlog, and as a matter of policy we are attempting to allocate land acquisition funds to projects that serve multiple objectives (e.g. provision of near-urban recreation, protection of threatened and endangered species habitat, wetlands preservation, etc.). Other than their archeological resources, the parcels that would be authorized for purchase by S. 1230 lack attributes that would justify their near-term acquisition. Therefore we would not expect to budget funds for purchase of these properties in the foreseeable future.

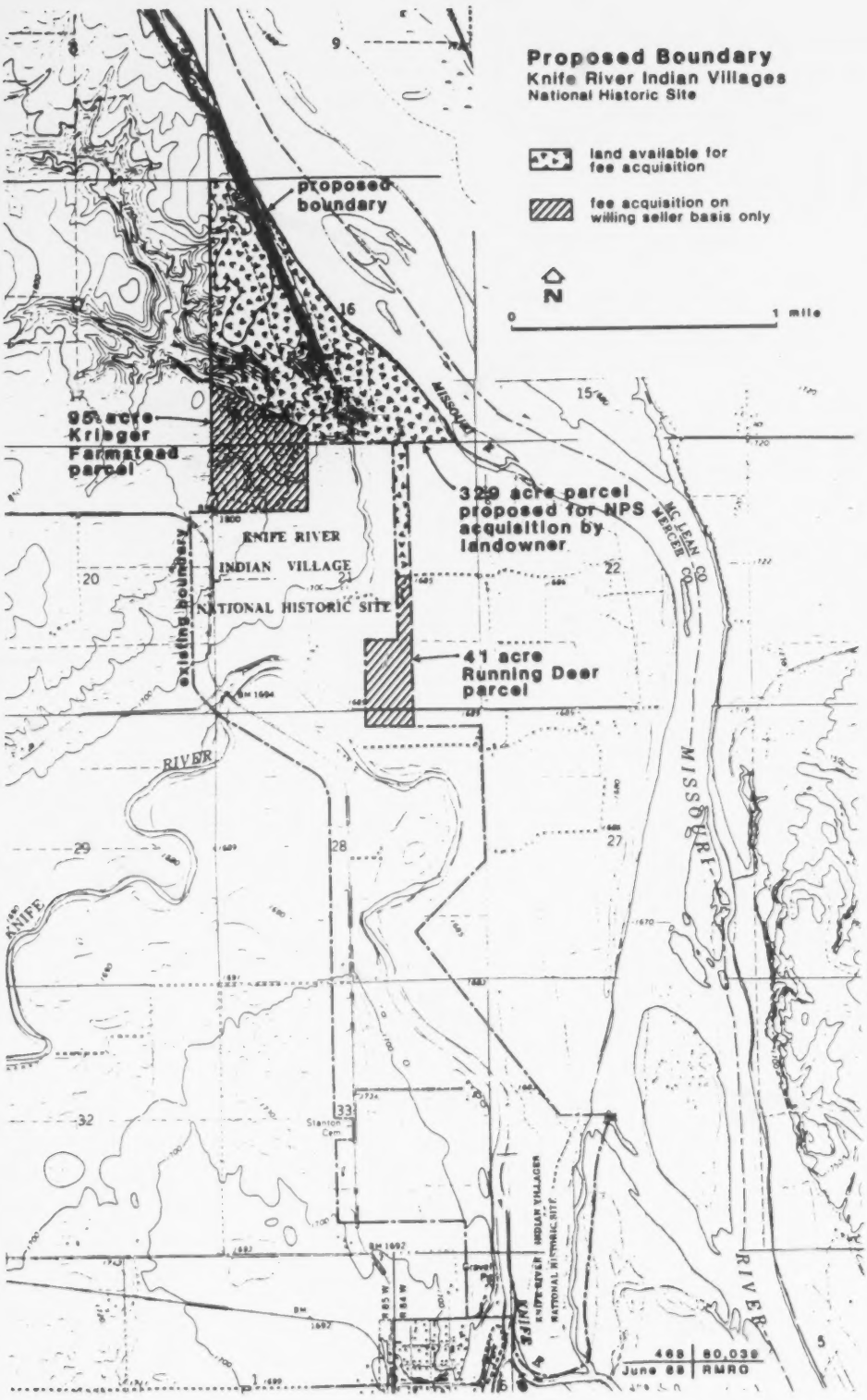
A second provision of S. 1230 involves the increase in the development ceiling authorization for the park from the present $2,268,000 to $4,000,000. This increase is needed for two reasons. First, since this park was established we have altered the method by which we track attributable development costs. Certain costs (notably archeological surveys) which were not earlier counted against the park's development ceiling now are, and, therefore, there is need for a somewhat higher ceiling. Second, delays in being able to fund and carry out this development program have caused projected costs to rise. We fully expect that the new ceiling called for in S. 1230 will be sufficient to cover currently foreseen expenses within the approved planning documents for Knife River.

Currently, the national historic site utilizes a converted 1912 farmhouse as its "interim" visitor information center and administrative headquarters. It was revealed some time ago that this facility is located on one of the primary resources that the park was established to protect. In addition, most of the artifacts uncovered within the park are

now stored offsite due to the lack of suitable facilities within the park to preserve, protect, and interpret them. Visitors to the site are deprived of this element that was envisioned when Congress authorized the park, namely the educational and interpretive value of these artifacts.

Mr. Chairman, we recommend three amendments to S. 1230. First, subsection 1(b) incorrectly references the map associated with this boundary expansion. The full reference should read " 'Proposed Boundary Knife River Indian Villages National Historic Site' numbered 468–80,039 and dated June 1988." Second, we recommend that subsection 1(c) be amended to provide for a specific monetary increase of $400,000 for land acquisition, bringing the new ceiling to $1 million. Third, we recommend that S. 1230 be amended to provide that implementation of the revised park boundaries shall be contingent on a formal determination by the Secretary, based on any necessary assessment, that the properties proposed for addition to the park do not contain any hazardous substance that poses a threat to human health or the environment. This latter provision is necessary to ensure the Park Service does not inadvertently assume responsibility for mitigation of any serious environmental hazard.

This concludes my testimony on S. 1230, Mr. Chairman. I will be pleased to respond to your questions at this time.


Proposed Boundary
Knife River Indian Villages
National Historic Site
land available for fee acquisition
fee acquisition on willing seller basis only
N
0
1 mile
proposed boundary
95 acre Krueger Farmstead parcel
329 acre parcel proposed for NPS acquisition by landowner
41 acre Running Deer parcel
existing boundary
KNIFE RIVER
INDIAN VILLAGE
NATIONAL HISTORIC SITE
MISSOURI R.
MISSOURI RIVER
KNIFE RIVER
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CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1230, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

[Public Law 93-486]

An ACT To provide for the establishment of the Clara Barton National Historic Site, Maryland; John Day Fossil Beds National Monument, Oregon; Knife River Indian Villages National Historic Site, North Dakota; Springfield Armory National Historic Site, Massachusetts; Tuskegee Institute National Historic Site, Alabama; Martin Van Buren National Historic Site, New York; and Sewall-Belmont House National Historic Site, Washington, District of Columbia; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. (a) Unless otherwise provided hereafter, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by purchase with donated or appropriated funds, donation, exchange, or by transfer from another Federal agency such lands and interests in lands as hereafter provided for establishment as units of the national park system, as follows:

* * * * * * *

SEC. 104. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, the following:

(a) Clara Barton National Historic Site, $812,000 for acquisition of lands and interests in lands and for development;

(b) John Day Fossil Beds National Monument, $400,000 for the acquisition of lands and interests in lands and $4,435,200 for development;

(c) Knife River Indian Villages National Historic Site, [$600,000] *$1,000,000* for the acquisition of lands and interests in lands and [$2,268,000] *$4,000,000* for development;

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